

Message Text

LIMITED OFFICIAL USE

PAGE 01 SANTIA 05946 302214Z

13

ACTION ARA-20

INFO OCT-01 IO-14 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-11

L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 AID-20 DRC-01 /131 W
----- 073941

R 302020Z SEP 74

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 484

INFO USMISSION USUN NEW YORK

US MISSION GENEVA 496

LIMITED OFFICIAL USE SANTIAGO 5946

E.O. 11652: N/A

TAGS: CI, PINS

SUBJECT: FINAL FACH TRIAL SENTENCES ANNOUNCED

REF: A) SANTIAGO 4649; B) SANTIAGO 4619; C) SANTIAGO 4512

1. SUMMARY: CHILEAN AIR FORCE (FACH) JUDICIAL REVIEW AUTHORITY ANNOUNCED FINAL VERDICTS AND SENTENCES IN MASS FACH TRIAL OF LAST APRIL-JUNE. FOUR DEATH SENTENCES HAD EARLIER BEEN COMMUTED TO 30 YEARS: PRESENT REVIEW REDUCED REMAINING LIFE SENTENCES DRASTICALLY, AND MADE MINOR ADJUSTMENTS IN SEVERAL CASES. MAJORITY OF SENTENCES WERE LEFT UNCHANGED, SENTENCE IS NOW OVER 30 YEARS, AND MAJORITY SEEM TO LIE UNDER 10 YEARS. PINOCHET COULD MAKE FURTHER CHANGES, SENTENCES WILL PROBABLY STAND. END SUMMARY.

2. GENERAL JOSE BERDICHEWSKY, HIGHEST JUDICIAL REVIEW AUTHORITY OF FACH, ANNOUNCED SEPT 26 HIS DECISIONS ON VERDICTS AND SENTENCES OF FACH COURT WHICH TRIED 65 FACH PERSONNEL AND CIVILIANS IN PERIOD APRIL TO JUNE 1974. THIS MASS TRIAL PRESENTED CHARGES OF TREASON, SEDITION, AND INDISCIPLINE AGAINST ALLEGED SUPPORTERS OF ALLENDE REGIME. CONTROVERSIAL TRIAL RECEIVED MAJOR CHILEAN
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 SANTIA 05946 302214Z

AND INTERNATIONAL PRESS ATTENTION, AND SEVERAL GROUPS OF

FOREIGN OBSERVERS ATTENDED. ORIGINAL TRIAL RESULTS WERE ANNOUNCED JULY 30. FOUR DEATH SENTENCES, INCLUDING THAT OF CIVILIAN FORMER VICE PRES OF STATE BANK AND SOCIALIST LEADER CARLOS LAZO, WERE COMMUTED TO 30 YEARS BY GEN. BERDICHEWSKY ON AUG 5.

3. OF 61 REMAINING CASES CONSIDERED, REVIEW AUTHORITY CONFIRMED 39, INCREASED 6 SENTENCES, AND REDUCED 16. REDUCTIONS INCLUDED MOST SEVERE SENTENCES. TWO REMAINING LIFE SENTENCES WERE REDUCED -- FORMER CAPT. CARLOS CARBACHO ASTORGA TO 25 YEARS AND FORMER CORP. IVAN FIGUEROA ARANEDA TO 15 YEARS. REVIEW SPECIFICALLY ABSOLVED CARBACHO AND FIGUEROA TREASON CHARGE, LEAVING THEM CONVICTED OF LESS SERIOUS OFFENSES.

4. EX-SOCIALIST SENATOR ERIC SCHNAKE SILVA RECEIVED FINAL SENTENCE OF 25 YEARS, AN APPARENT COMPROMISE BETWEEN 20 YEARS ORIGINALLY ASKED BY PROSECUTOR AND 30 YEARS DOWN BY COURT. OTHER SENTENCES INCREASED OR DECREASED FROM THOSE DECREED BY COURT WERE OF RELATIVELY MINOR IMPACT.

5. OTHER CASES OF INTEREST INCLUDE EX-SGT. MARIO O'RYAN MUNOZ, FOR WHOM PROSECUTION ASKED DEATH; FACH COURT GAVE HIM 10 YEARS, WHICH REVIEW CONFIRMED. EX-PVT (CONSCRIPT) RICARDO GALVEZ ULLOA, FOR WHOM PROSECUTION ORIGINALLY ASKED DEATH, RECEIVED 3 YEARS FROM COURT, WHICH REVIEW REDUCED FURTHER TO 541 DAYS.

6. COMMENT: REDUCTION OF MOST SEVERE SENTENCES HAD BEEN EXPECTED, AFTER EARLIER COMMUTATION OF DEATH SENTENCES. WE BELIEVE LATTER REFLECTED GOC AWARENESS THAT EXECUTIONS MIGHT HAVE DISASTROUS EFFECT ON CHIEF'S IMAGE IN US AND OTHER COUNTRIES. ON THE WHOLE, MOST OF THE CHANGES NOW MADE BY GENERAL BERDICHEWSKY LEAN IN THE DIRECTION OF MODERATION BUT ARE NOT SUBSTANTIALLY DIFFERENT FROM SENTENCES IMPOSED BY COURT.

7. GOC PROBABLY REALIZES THAT HIGHLY PUBLICIZED MASS TRIALS SUCH AS FACH TRIALS HAVE AT BEST MIXED PROPAGANDA EFFECTS. IT IS SIGNIFICANT THAT RUMORS OF SIMILAR ARMY AND NAVY TRIALS CURRENT WHEN FACH TRIAL WAS BEGUN HAVE DISAPPEARED. WE SEE NO IMMEDIATE INCLINATION TO INITIATE NEW MASS TRIALS OF "POLITICAL" OR "NATIONAL SECURITY" CHARACTER. WE ARE ALSO STRUCK BY DROPPING OF CHARGES OF TREASON, WHICH MAY REFLECT LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 SANTIA 05946 302214Z

JUNTA'S RECOGNITION THAT PRESUMED EXISTENCE OF LEGAL STATE OF WAR WITH A FOREIGN ENEMY BEFORE SEPTEMBER 11, 1973 IS HARDLY CREDIBLE TO OUTSIDERS.

8. CODE OF MILITARY JUSTICE PROVIDES FOR FURTHER REVIEW OF VERDICTS AND SENTENCES BY PRES. PINOCHET, BUT WE THINK IT LIKELY HIS AND JUNTA'S OPINIONS AND WISHES HAVE ALREADY BEEN TAKEN INTO CONSIDERATION IN BERDICHEWSKY'S REVIEW.

POPPER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CAPITAL PUNISHMENT, REPEAL, COURTS MARTIAL, AIR FORCE
Control Number: n/a
Copy: SINGLE
Draft Date: 30 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SANTIA05946
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740276-0119
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974092/aaaaabnf.tel
Line Count: 116
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: A) SANTIAGO 4649; B) SANTIAGO 4619;; C) SANTIAGO 4512
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 19 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 JUN 2002 by boyleja>; APPROVED <06 MAR 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FINAL FACH TRIAL SENTENCES ANNOUNCED
TAGS: PINS, CI
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005